

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<p>In re:</p> <p>NationsRent, Inc., et al.,<sup>1</sup></p> <p style="text-align: center;">Debtors.</p>	<p>Case Nos. 01-11628 through 01-11639 (PJW)</p> <p>Jointly Administered</p> <p>Chapter 11</p>
<p>NationsRent Unsecured Creditor's Liquidating Trust, Perry Mandarino, not personally, but as Trustee</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>3-D/Costal Oil Company</p> <p>4 Star Air Hydraulics &amp; Ind.</p> <p>Action Tire Company</p> <p>ADA Resources Inc.</p> <p>Advanced Tire Inc.</p> <p>Ael Leasing Co., Inc.</p> <p>Agovino &amp; Asselta, LLP</p> <p>Airdyne Management Inc.</p> <p>Allen Oil Company of Sylacauga, Inc.<sup>1</sup></p> <p>Alternators Unlimited Reb.</p> <p>A.O.K. Tire Mart II, Inc.</p> <p>Archie's Truck Service</p> <p>Arrow Master, Inc.</p> <p>ASAP Equipment Rental &amp; Sales</p> <p>Authorized Equipment, Inc.</p>	<p>District Court Case Nos. (KAJ):</p> <p>04-CV-1033</p> <p>04-CV-1030</p> <p>04-CV-1031</p> <p>04-CV-976</p> <p>04-CV-713</p> <p>04-CV-767</p> <p>04-CV-1035</p> <p>04-CV-714</p> <p>04-CV-801</p> <p>04-CV-988</p> <p>04-CV-766</p> <p>04-CV-1158</p> <p>04-CV-1160</p> <p>04-CV-716</p> <p>04-CV-784</p>

<sup>1</sup> NationsRent USA, Inc., NationsRent Transportation Services, Inc., NR Delaware, Inc., NRG, Inc., NationsRent West, Inc., Logan Equipment Corp., NR Dealer, Inc., NR Franchise Company, Inc., NationsRent of Texas, LP, and NationsRent of Indiana, LP

Bay Counties Pitcock Petroleum Inc.	04-CV-1060
Black & Veatch Constr.	04-CV-1039
Blue Ribbon Tire Co., Inc.	04-CV-721
Bobcat Company	04-CV-1026
Bradenton Fuel Oil, Inc.	04-CV-1037
Burch-Lowe, Inc.	04-CV-1076
Carruth-Doggett Industries, Inc.	04-CV-723
C.G.& E.	04-CV-802
Central Tire	04-CV-995
Cintas Corp. #318, Cintas Corporation No. 2	04-CV-996
CMD Group	04-CV-726
Coleman Engineering	04-CV-1148
Collision Pro	04-CV-1149
Columbus Equipment Company	04-CV-998
Columbus McKinnon Corp.	04-CV-999
Commercial Tire Inc.	04-CV-806
Construction Machinery, Inc.	04-CV-1142
Contractors Machinery Co. Inc.	04-CV-795
Corporate Express	04-CV-1001
Cowin Equipment Company, Inc.	04-CV-728
Creative Financial Staffing	04-CV-1021
Crosscheck, Inc.	04-CV-732
Cyrk, Inc. a/k/a Cyrk Acquisition	04-CV-734
Delta BCX Printing	04-CV-1167
Delta Formost Chemical Corporation	04-CV-1170
Diamant Boart Inc.	04-CV-1104
Diamond Hydraulics	04-CV-1106
Diamond J. Transport, Inc.	04-CV-787

Diversified Credit Service	04-CV-1096
Don's Tire Service, Inc.	04-CV-1106
Dorris Cleaning	04-CV-1111
Doskocil Industries, Inc.	04-CV-1150
Dossey Holdings, Inc.	04-CV-1155
Double A	04-CV-1153
Douglass Distributing	04-CV-1114
Dutchess Forging	04-CV-1117
Ebusiness Technology partners, Inc., f/k/a PSR Professional Staffing, Inc.	04-CV-747
Ed Hart	04-CV-975
EJ Reynolds, Inc.	04-CV-722
Equipment Development Co., Inc.	04-CV-1128
Equiptechs, Inc.	04-CV-789
Falcon Power	04-CV-1130
Fischer Group	04-CV-1141
FL Hydraulic Machinery	04-CV-725
Fleetwing Corp.	04-CV-1151
Fluid Tech Hydraulics, Inc.	04-CV-1154
GCR Pensacola Truck Tire Ctr.	04-CV-730
Gene Jackson Tire Co.	04-CV-1049
GFC Leasing	04-CV-1051
GMR Marketing LLC	04-CV-731
Goodyear Commercial Tire & Service Center	04-CV-733
GSR Construction, Inc.	04-CV-768
Gullo Ford Mercury	04-CV-769
Harbor Graphics Corporation	04-CV-1007
Harte-Hanks	04-CV-739

Hick's Petroleum Distributors, Inc.	04-CV-770
Hindley Electronics, Inc.	04-CV-1013
Holt Equipment Company Co., LLC	04-CV-772
Hunt & Sons	04-CV-1019
Husqvarna Forest & Garden	04-CV-1176
ID Technologies, Inc.	04-CV-1043
Igloo Products Corp.	04-CV-1042
Illuminating Company	04-CV-1070
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Joe Jeter Sales	04-CV-981
John Ray and Sons Inc.	04-CV-774
Kent Demolition Tools	04-CV-987
Keson Industries Inc.	04-CV-1116
Kforce.com Inc.	04-CV-745
L&P Financial Services	04-CV-1165
Laclede Chain Mfg. Co.	04-CV-1086
Land & Sea Petroleum, Inc.	04-CV-993
Lionudakis Wood & Green Waste	04-CV-1091
Little Beaver, Inc.	04-CV-997
Lockhart Tire	04-CV-1062
M & D Distributors	04-CV-1172
M.P. Brine Inc.	04-CV-783

Maxim Group	04-CV-757
Maxout Sourcing Services	04-CV-758
Metso Minerals Industries, Inc.	04-CV-1011
Miller Bros Giant Tire Service- Jacksonville, Inc.	04-CV-1178
The Miller Spreader Co.	04-CV-1008
Mission Critical System, Inc.	04-CV-1014
Mobile Products, Inc.	04-CV-1186
Mobile Storage Group, Inc.	04-CV-1028
Morgan Auto Supply Co.	04-CV-1191
Morgan Guaranty Trust Company of New York	04-CV-1192
Morgan Marshall Industries Inc.	04-CV-763
Multiquip Inc.	04-CV-1025
Mutual Industries	04-CV-737
Naab Consulting Corp.	04-CV-1027
Nabors Radiator & Electric	04-CV-738
NACM	04-CV-1067
NAPA Auto Parts, National Automotive Parts Association	04-CV-1041
Napa Auto Parts of Franklin	04-CV-1073
Nashville Tractor & Equip. Inc. formally known as Nashville Ford Tractor	04-CV-1063
Neff Rental Inc.	04-CV-785
Nickey Petroleum Co. Inc.	04-CV-1085
Nortrax Equipment Co. SE, LLC	04-CV-1045
Nortrax Equipment Co. South LA	04-CV-1044
Nortrax NE LLC	04-CV-1064
NSTAR Electric & Gas Corporation	04-CV-1066

Office Management Systems Inc.	04-CV-742
Olsen Tire	04-CV-792
Original Equipment Replacement Parts, Inc.	04-CV-777
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Palmer Distributing & Sales	04-CV-1055
Parkway Truck Sales, Inc.	04-CV-781
Partner Industrial Products	04-CV-1047
Parts Associates	04-CV-1056
Penick, Parr & Associates	04-CV-1092
Peterson Tire Inc.	04-CV-1061
Pipeline Supply & Service	04-CV-1098
Pratt & Whitney Canada, Inc.	04-CV-786
Pro Chem Cleaning	04-CV-1108
Progressive Tractor Corp.	04-CV-791
Promotion Solution Inc.	04-CV-790
Quick Corner CITGO	04-CV-1119
Reeder Distributors Inc.	04-CV-749
Relizon	04-CV-750
Rentlink Inc.	04-CV-1054
Rhode Island Tire Co. Inc.	04-CV-1032
Rish Equipment Company	04-CV-796
Robertson Fleet Service Inc.	04-CV-1029
S&D Tire Inc.	04-CV-1134
Saber Fleet Services, Inc. d/b/a Weiland Tire Service	04-CV-753

Sanford Auto & Truck Parts	04-CV-1140
Scotty's Oil Company, Inc.	04-CV-755
Sellers Petroleum Products Inc.	04-CV-1109
Sensormatic Electronics Corp.	04-CV-1169
Services & Materials, Co.	04-CV-1171
Sherwin-Williams	04-CV-754
SB Power Tool Corp.	04-CV-1174
Soco Group	04-CV-1159
Son Coast, Hauling, CCC	04-CV-1077
Southeastern Crane	04-CV-799
Southern Energy Company	04-CV-1084
Southern Linc	04-CV-1093
Spectra Precision d/b/a Richard B. Trimble	04-CV-1094
Speedway New Holland	04-CV-1100
Staffing Master.com	04-CV-1113
Star Tire Company Inc.	04-CV-1050
Sterling Truck of Utah	04-CV-1102
Stihl Inc. National Accounts	04-CV-1180
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Sullivan Palatek Inc.	04-CV-1052
Sun Coast Resources Inc.	04-CV-1188
Tacony Corporation	04-CV-808
Terex Aerials, Inc. d/b/a Terex Cranes	04-CV-973
Texana Machinery Corp.	04-CV-805
Tex Con Oil Company	04-CV-1120
Tioga Inc.	04-CV-1129
TIP Dept 0501	04-CV-1131
Tire Centers LLC	04-CV-1133

TMP Worldwide Inc. also known as Monster Worldwide, Inc.	04-CV-986
Triton Transport Inc	04-CV-1196
Truck Lease Corp.	04-CV-1198
Truck PM Corporation	04-CV-1002
Tsurumi (America) Inc.	04-CV-1005
Tullo Truck Stop	04-CV-1138
Unifirst Corp.	04-CV-1139
Uniontools, Inc.	04-CV-1009
US Imaging Solutions	04-CV-1012
US Market Inc.	04-CV-740
Valley Rubber & Gasket	04-CV-1144
Valley Tire Co., Inc.	04-CV-1194
The Valvoline Company	04-CV-759
Vector Security Inc	04-CV-1197
Vermeer Equipment of Texas Inc.	04-CV-1166
Vermeer Northeast	04-CV-1175
Vermeer of Tennessee, Inc.	04-CV-1071
Vermeer Sales & Service of Colorado, Inc.	04-CV-1112
Vermeer Sales and Service of Southern Ohio, Inc.	04-CV-1107
Vermeer Sales of Texas Inc.	04-CV-1189
Vickers & Asso, Inc.	04-CV-1079
Vic's Tire Service	04-CV-804
Viking Oil	04-CV-1081
Voltech Company	04-CV-1087
Wayne Miller's Mobile Tire Inc.	04-CV-1179
Worcester Truck Body Co., Inc.	04-CV-1168



World Wide Welding & Press Inc.  
Defendants.

04-CV-1103

**CERTIFICATION OF COUNSEL REGARDING ORDER: (I) SETTING  
PROCEDURES TO FACILITATE SETTLEMENT  
OF THE ABOVE-CAPTIONED ADVERSARY PROCEEDINGS,  
AND (II) SETTING OCTOBER 11, 2005 AT 10:00 A.M. AS A  
STATUS/SCHEDULING CONFERENCE DATE IN THE  
ABOVE-CAPTIONED ADVERSARY PROCEEDINGS**

I, Mary E. Augustine, Esq. of The Bayard Firm, counsel for the Plaintiffs (“Plaintiff” or “Plaintiffs”) in the above-captioned adversary proceedings (the “Adversary Proceedings”), hereby certify as follows:

1. On May 16, 2005, an initial pretrial conference was held (the “Pretrial Conference”) in the Adversary Proceedings.

2. At the Pretrial Conference, the Plaintiff proposed a schedule to apply to the Adversary Proceedings for the submission of settlement proposals/positions to the Plaintiff with the Plaintiff’s required response deadlines. The Court also directed that a status/scheduling conference pursuant to Rule 16(b) of the Federal Rules of Civil Procedure be held in the Adversary Proceedings on October 11, 2005 at 10:00 a.m.

3. Accordingly, for the Court’s consideration, attached hereto as Exhibit A is a proposed Order reflecting the dates and procedure presented at the Pretrial Conference.

*Remainder of page intentionally left blank.*

4. I respectfully request the entry of the proposed Order at the Court's earliest convenience.

Dated: May 18, 2005

THE BAYARD FIRM

A handwritten signature in cursive script, appearing to read "M. Augustine".

Neil B. Glassman, Esq. (No. 2087)

Christopher A. Ward (No. 3877)

Mary E. Augustine (No. 4477)

222 Delaware Avenue, Suite 900

Wilmington, Delaware 19801

(302) 655-5000 (telephone)

(302) 658-6395 (facsimile)

-and-

LOWENSTEIN SANDLER PC

Paul Kizel, Esq.

65 Livingston Avenue

Roseland, New Jersey 07068

(973) 597-2500 (telephone)

(973) 597-2400 (facsimile)

Attorneys for Plaintiffs

## **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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Keson Industries Inc.	04-CV-1116
Kforce.com Inc.	04-CV-745
L&P Financial Services	04-CV-1165
Laclede Chain Mfg. Co.	04-CV-1086
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Southern Linc	04-CV-1093
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Speedway New Holland	04-CV-1100
Staffing Master.com	04-CV-1113
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Vermeer Sales & Service of Colorado, Inc.	04-CV-1112
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Vermeer Sales of Texas Inc.	04-CV-1189
Vickers & Asso, Inc.	04-CV-1079
Vic's Tire Service	04-CV-804
Viking Oil	04-CV-1081
Voltech Company	04-CV-1087
Wayne Miller's Mobile Tire Inc.	04-CV-1179
Worcester Truck Body Co., Inc.	04-CV-1168
World Wide Welding & Press Inc.	04-CV-1103
Defendants.	

**ORDER: (I) SETTING PROCEDURES TO FACILITATE  
SETTLEMENT OF THE ABOVE-CAPTIONED ADVERSARY  
PROCEEDINGS, AND (II) SETTING OCTOBER 11, 2005 AT 10:00 A.M.  
AS A STATUS/SCHEDULING CONFERENCE DATE IN THE  
ABOVE-CAPTIONED ADVERSARY PROCEEDINGS**

This matter having come before the Court at the initial pretrial conference (the “Pretrial Conference”) held on May 16, 2005; and the Court having considered the settlement procedures proposed by counsel for Plaintiff in the captioned adversary proceedings (“Plaintiff” or “Plaintiffs”); and having considered all responses thereto;

IT IS HEREBY ORDERED THAT:

1. Each defendant (the “Defendant”) in the each of above-captioned adversary proceedings (the “Adversary Proceedings”) shall submit a written settlement proposal/position (the “Settlement Position”) in good faith to counsel for the Plaintiffs by July 15, 2005, which: (a) contains a brief statement setting forth the basis of the Defendant’s defenses, (b) attaches all documentation supporting such defenses, and (c) sets forth Defendant’s settlement proposal and/or position. The Settlement Position shall be served upon Plaintiff’s counsel at the following address:

Lowenstein Sandler PC  
Attn: Susan Ericksen, Esq.  
65 Livingston Avenue  
Roseland, NJ 07068-1791

2. The Plaintiff shall consider the Settlement Positions in good faith and shall respond in writing to each Settlement Position pursuant to the following schedule:

- a. If the amount sought to be recovered by the Plaintiff in the Adversary Proceeding is greater than \$50,000.00, the Plaintiff must respond to the Settlement Position by August 19, 2005.

- b. If the amount sought to be recovered by the Plaintiff in the Adversary Proceeding is between \$20,000.00 and \$50,000.00, the Plaintiff must respond to the Settlement Position by September 16, 2005.
- c. If the amount sought to be recovered by the Plaintiff in the Adversary Proceeding is less than \$20,000.00 the Plaintiff must respond to the Settlement Position by September 30, 2005.

3. Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a status/scheduling conference for the unresolved Adversary Proceedings will be held on October 11, 2005 at 10:00 a.m.

Dated: \_\_\_\_\_, 2005

\_\_\_\_\_  
The Honorable Kent A. Jordan  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I Mary E. Augustine, hereby certify that on this 18<sup>th</sup> day of May, 2005, I caused a copy of the **Certification of Counsel Regarding Order: (I) Setting Procedures to Facilitate Settlement of the Above-Captioned Adversary Proceedings, and (II) Setting October 11, 2005 at 10:00 a.m. as a Status/Scheduling Conference Date in the Above-Captioned Adversary Proceedings** to be served upon the parties listed on the attached service list via hand delivery to local parties and via First Class United States Mail to all other parties thereon.

  
Mary E. Augustine (No. 4477)

Jeff Wasserman, Esq.  
Ciconte, Roseman and Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: 3-D/Coastal Oil Company

Ed Hart pro se  
7465 St. Route 366, Suite D  
Huntsville, OH 43324

Re: A&H Hose and Fitting

Mr. Ricky Stewart, President/CEO  
410 Lee's Mill Road  
Forest Park, GA 30297

Re: Action Tire Company

Steven M. Ott, Esq.  
55 Public Square, Suite 1008  
Cleveland, OH 44113

Re: Advanced Tire

Kathleen J. Campbell, Esq.  
Campbell & Levine, LLC  
800 N. King Street, Suite 300  
Wilmington, DE 19801

Re: Airdyne

Jeff Wasserman, Esq.  
Ciconte, Roseman and Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: 4 Star Air Hydraulics & Ind.

Jeff Wasserman, Esq.  
Ciconte, Roseman and Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: A.O.K. Tire Mart II, Inc.

Rebecca Beste, Esq.  
Potter Anderson  
1313 North Market Street  
PO Box 951  
Wilmington, DE 19899-0951

Re: ADA Resources

William G. Wright, Esq.  
Farr, Burke, Gambacorta & Wright  
211 Benigno Blvd., Suite 201  
Bellmawr, NJ 08031

Re: Ael Leasing Co., Inc.

Mark Owsley, Esq.  
PO Box 6105  
Talladega, Alabama 35161

Re: Allen Oil Company of Sylacauga, Inc.

Joyce Lindauer  
12900 Preston Road, Suite 1050  
Dallas, TX 75320

Re: Alternators Unlimited Reb.

Jeff Wasserman, Esq.  
Ciconte, Roseman and Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: American Hydraulics

Attention: Stephen Paradis, President/CEO  
Attn: Stephen Paradis, President/CEP  
180 Alabama Road  
Tewksbury, MA 01876

Re: Archie's Truck

Attn: Stephen Paradis, President/CEO  
Attn: Stephen Paradis, President/CEP  
5 Villa Street  
Chelsea, MA 02150

Re: Archie's Truck

Jeffrey Philip Wasserman, Esq.  
Ciconte, Roseman & Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: Arrow Master

Judy Jones, Esq.  
Cross & Simon LLC  
913 N. Market Street, Suite 1001  
PO Box 1380  
Wilmington, DE 19899

Re: ASAP Rental

Jonathon Pledger, Esq.  
The Beasley Law Group  
5205 Maryland Way, Suite 320  
Brentwood, TN 37027

Re: Authorized Equipment, Inc.

Attn: Aubrey D1 Pitcock, Registered Agent  
220 Hookston Road  
Pleasant Hill, CA 94523

Re: Bay Counties Pitcock Petroleum

Attn: Joe Baker, CEO/President  
10950 Belcher Road  
Largo, FL 33777

Re: BBF Printing Solutions, Inc.

Attn: Carol Clark, General Counsel  
11401 Lamar Avenue  
Overland Park, Kansas 66211

Re: Black & Veatch Constr., Inc.



Attn: Clarence Bergman, President/CEO  
1446 N 24<sup>th</sup> Avenue  
Phoenix, AZ 85009

Re: Blue Ribbon Tire

Sally Baumgartne, Registered Agent  
3215 3<sup>rd</sup> Street  
West Bradenton, FL 33505

Re: Badenton Fuel Oil, Inc.

Attn: Karen Baldw, CEO/President  
6116 21<sup>st</sup> Street  
East Bradenton, FL 34203

Re: Bradenton Fuel Oil, Inc.

Attn: President / CEO  
5710 Riverview Road  
Mableton, GA 30059

Re: Burch-Lowe, Inc.

Attn: The Corporation Company  
2000 Interstate Park Drive, Suite 2  
Montgomery, AL 36100

Re: Burch-Lowe, Inc.

Eric French  
139 E. Fourth Street, 25 Atrium II  
Cincinnati, OH 45202

Re: C.G&E

Cokinos, Bosien & Young  
Attn: Craig Powe, Esq.  
2919 Allen Parkway, Suite 1500  
Houston, TX 77019

Re: Carruth-Doggett

Robert C. Meyer  
2223 Coral Way  
Miami, FL 33145

Re: Central Tire

Jason Sitt, Esq.  
Keating, Muething & Klekamp  
1400 Provident Tower  
One East Fourth Street  
Cincinnati, OH 45202

Re: Cintas Corp.

Mr. Curtis Allen, President/CEO  
30 Technology Parkway South  
Suite 100  
Norcross, GA 30092

Re: Reed Construction Data

Mr. Arol R. Wolford, President/CEO  
PO Box 2241  
Carol Stream, IL 60116

Re: CMD Group

Mr. Steven Hueser, CEO/President  
590 Huey Road  
Rock Hill, SC 29730

Re: Terex Light Construction Co.

Jeffrey Philip Wasserman, Esq.  
Ciconte, Roseman & Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: Collision Pro

Rachel B. Mersky, Esq.  
Monzack and Monaco  
1201 North Orange Street, Suite 400  
Wilmington, DE 19801

Re: Columbus Equipment Co.

Timothy T. Tevens, President/CEO  
140 John James Audubon Parkway  
Amherst, NY 14228

Re: Columbus McKinnon

Jody Shilling President/CEO  
2595 Southwest Railroad Ave  
Hammond, LA 70403

Re: Commercial Tire, Inc.

Gerald West  
13950 Plank Road  
Baker, LA 70714

Re: Commercial Tire, Inc.

Cook Inlet Region, Inc.  
Attn: Lisa Rieger, General Counsel  
2525 "C" Street, Suite 500  
Anchorage Alaska 99509-3330

Re: Construction Machinery, Inc.

Robert Matz, Chairman  
M-L Holdings Company  
4601 Washington Blvd.  
Baltimore, MD 21227

Re: Contractors Machinery Co. Inc.

Saegre & Benson  
Attn: Darrell Daley, Esq.  
1900 15<sup>th</sup> Street  
Boulder, CO 80302

Re: Corporate Express

John Frawley, Esq.  
P.O. Box 101493  
Irondale, Alabama 35210

Re: Cowin Equipment Co., Inc.

Sam O. Simmerman, Esq.  
Krugliak, Wilkins et al.  
4775 Munson St., N.W. - Box 36963  
Canton, OH 44735-6963

Re: Creative Financial Staffing

Reed Smith LLP  
Attn: Tom Francella, Esq.  
1201 Market Street, Suite 1500  
Wilmington, DE 19801

Re: Crosscheck

Mike Weinsier, Esq.  
Hughes Hubbard & Reed LLP  
One Battery Park Plaza  
New York, New York 10004

Re: Cyrk, Inc. a/k/a Cyrk Acquisition

Jeff Margolin, Esq.  
Hughes Hubbard & Reed LLP  
One Battery Park Plaza  
New York, New York 10004

Re: Cyrk, Inc. a/k/a Cyrk Acquisition

Attn: Rick Nettina - President / CEO  
4519 Taylor Street  
Hollywood, FL 33021-6627

Re: Delta BCX Printing

Attn: Mr. Ronald Cooper - President / CEO  
3915 Air Park St.  
Memphis, TN 38118

Re: Delta Formost Chemical

G. Christopher Meyer, Esq.  
Squire Sanders & Dempsey LLP  
4900 Key Tower, 127 Public Sq.  
Cleveland, OH 44114-1304

Re: Diamant Boart

Stephen J. Schechter  
League City, Texas  
6776 FM 2004  
Hitchcock, TX 77563

Re: Diamond Hydraulics

Barry Gindlesburger, Esq.  
2054 Ridge Road  
Jeanette, PA 15644

Re: Diamond J. Transport, Inc.

Attn: A.M. Barille  
P.O. Box 21726  
Cleveland, Ohio 44121

Re: Diversified Credit Service

Bobby Dorris  
d/b/a Dorris Cleaning  
598 West College St.  
Greenbrier, TN 37073

Re: Dorris Cleaning

Shaked & Posner  
Attn: Dan Shaked, Esq.  
225 W. 34th Street, Suite 110  
New York, NY 10122

Re: Dorskocil Industries, Inc.

Les Shayo, Esq.  
8383 Wilshire, Suite 510  
Beverly Hills, CA 90211

Re: Dossey Holdings, Inc.

Brett Fallon, Esq.  
Morris, James, Hitchens & Williams  
222 Delaware Ave., 10th Floor  
Wilmington, DE 19801

Re: Double A

Jeff Wasserman, Esq.  
Ciconte, Roseman and Wasserman  
1300 King Street  
Wilmington DE 19801

Re: Douglass Distributing

Attn: Steven Russ, President / CEO  
31 Carleton Ave.  
Mt. Vernon, NY 10550-4617

Re: Dutchess Forging

David J. Turiciano, Esq.  
Cook & Franke S.C.  
660 East Mason Street  
Milwaukee, WI 53202-3877

Re: Metso Minerals, Inc., f/k/a Dynapac

LYONS, DOUGHTY & VELDHUIS  
Attn: Hillary Veldhuis, Esq.  
1148 Pulaski Highway, PMB 313  
Bear, DE 19701

Re: Ebusiness Technology Partners, Inc

Brett Fallon, Esq.  
Morris, James, Hitchens & Williams  
222 Delaware Ave., 10th Floor  
Wilmington, DE 19801

Re: EJ Reynolds

William D. Sullivan, Esq.  
The Nemours Building, Suite 1110  
1007 N. Orange St.  
Wilmington, DE 19899

Re: Empite d/b/a Nortrax

Attn: President/Chief Executive Officer  
100 Thomas Johnson Dr.  
Frederick, MD 21702

Re: Equipment Development Company

Attn: President/Chief Executive Officer  
1195 Broad St.  
Providence RI 02905-2910

Re: Equiptechs, Inc.

Attn: President/ Chief Executive Officer  
1411 N. 27th Ave.  
Phoenix, AZ 85009

Re: Falcon Power, Inc.

Attn President/ Chief Executive Officer  
305 S. Andrews  
Fort Lauderdale, FL 33301

Re: Fischer Group

Attn: President/Chief Executive Officer,  
2601 East Oakland Park Blvd.  
Fort Lauderdale, FL 33306

Re: Fischer Group

Kathleen M. Miller, Esq.  
Smith, Katzenstein & Furlow, LLP  
The Corporate Plaza  
800 Delaware Avenue, 7th Floor  
Wilmington, DE 19899

Re: FL Hydraulic Machinery

John A. Anthony, Esq.  
Gray Robinson, PA  
Suite 2200, 201 North Franklin Street  
P.O. Box 3324  
Tampa, Florida 33601

Re: Fleetwing Corp.

Attn: President/Chief Executive Officer  
Fluid Tech Hydraulics  
8432 Tiogawoods Drive  
Sacramento, CA 95828

Re: Fluid Tech

Attn: President/Chief Executive Officer  
3414 Highway 21  
Atmore, Alabama 36502

GCR Pensacola Truck Tire Center

Attn: President Chief Executive Officer  
7801 Rosecran St.  
Paramount, CA 90723

Re: GCR Pensacola Truck Tire Center

Christopher A. Dawson, Esq.  
VanAntwerp, Monge, Jones & Edwards, LLP  
1544 Winchester Ave -- Fifth Floor  
Ashland, Kentucky 41101

Re: Gene Jackson Tire Co.

Jeffrey P. Wasserman, Esq.  
Ciconte, Roseman & Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: Gene Jackson Tire Co.

Ian Connor Bifferato, Esq.  
& Garvan McDaniel, Esq.  
Bifferato, Bifferato & Gentilotti  
1308 Delaware Ave. - Box 2165  
Wilmington, DE 19899-2165

Re: GFC Leasing

Attn: Tracey Cornish  
1999 Bryan Street, Suite 3200  
Dallas, TX 75201

Re: GMR Marketing Inc.

Attn: President/Chief Executive Officer  
220 E 42nd St., 15th Fl.  
NYC, NY

Re: GMR Marketing Inc.

Lee Watson, Esq.  
Wingfoot Commercial Tire Systems, LLC  
1000 South 21st Street  
Fort Smith, Arkansas 72901

Re: Goodyear Commercial Tire

Attn: President/Chief Executive Officer  
932 Massachusetts, Suite 304  
Lawrence, KS 66044

Re: GSR Construction, Inc.

Attn: President/Chief Executive Officer  
3010 N. State Road 217  
Brownsburg, IN 46112

Re: GSR Construction, Inc.

William T. Green III, P.C.  
11 Greenway Plaza, Suite 2820  
Houston, Texas 77046

Re: Gullo Ford Mercury

Christopher A. Camardello, Esq.  
Winthrop & Weinstine, P.A.  
225 South Sixth Street, Suite 3500  
Minneapolis, MN 55402

Re: Harbor Graphics Corp.

Attn: Paul Bentley, Registered Agent  
1710 Snows Mill Ave.  
Northport, AL 35476

Re: Hick's Petroleum Distributors, Inc.

Attn: President/Chief Executive Officer  
10703 Kramer Rd.  
Bowling Green, OH 43402

Re: Hindley Electronics, Inc.

Attn: President/Chief Executive Officer  
6555 Powerline Road, Suite 106  
Ft. Lauderdale, FL 33309

Re: ID Technologies, Inc.

Attn: President/Chief Executive Officer  
221 East Sample Rd., Suite 204  
Pompano Beach, FL 33064

Re: ID Technologies, Inc.

Chris Reis, Esq. & William D. Sullivan, Esq.  
Charles J. Brown, III, Esq.  
300 Delaware Avenue, Suite 1700  
P.O. Box 1630  
Wilmington, DE 19899

Re: Harte-Hanks

Attn: President/Chief Executive Officer  
6700 MLK, Jr. Blvd.  
Tuscaloosa, AL

Re: Hick's Petroleum Distributors

G. Christopher Meyer, Esq.  
Squire, Sanders & Dempsey L.L.P.  
4900 Key Tower  
127 Public Square  
Cleveland, Ohio 44114-1304

Re: Husquarna Forest & Garden

Attn: President/Chief Executive Officer  
6555 Powerline Road, Suite 106  
Ft. Lauderdale, FL 33309

Re: ID Technologies, Inc.

Nicole Fiori, Esq.  
P.O. Box 19322/(77224-9322)  
1001 W. Sam Houston Parkway NL  
Houston, Texas 77043

Re: Igloo Products Corp.

Jessica E. Price  
1001 Lakeside Ave., Suite 1600  
Cleveland, Ohio 44114

Re: Illuminating Company, The

Brouse McDowell  
1001 Lakeside Ave., Suite 1600  
Cleveland, Ohio 44114

Re: Illuminating Company, The

Attn: John Michael Courney, Registered Agent  
36203 Hwy. 1036  
Holden, LA 70744

Re: Industrial Hydraulics

Attn: E. Hack Mays, Jr.  
25677 Elmwood Place  
Denham Springs, LA 70726

Re: Industrial Hydraulics

Attn: President/Chief Executive Officer  
Industrial Supplies Inc.  
3158 Highway 20 W, Bldg. 1  
Decatur, AL 35601

Re: Industrial Hydraulics

Attn: President/Chief Executive Officer  
6614 Langley Drive  
Baton Rouge, LA 79809-5176

Re: Industrial Hydraulics

Deborah Fallis, Esq.  
Heller, Draper, Hayden, Patrick, & Horn, LLC  
650 Potdras Street, Suite 2500  
New Orleans, LA 70130-6103

Re: Ingram Trucking Inc.

Marla R. Eskin, Esq.  
Campbell & Levine, LLC  
800 N. King Street, Suite 300  
Wilmington, DE 19801

Re: J A M Distributing Company

Marla R. Eskin, Esq.  
Campbell & Levine, LLC  
800 N. King Street, Suite 300  
Wilmington, DE 19801

Re: J A M Distributing Company

Attn: President/Chief Executive Officer  
2523 Stoney Brook  
Houston, TX 77042

Re: J&B Auto Supply, Inc.



Attn: President/Chief Executive Officer  
J&B Auto Supply & Machine  
11635 Highway 105 E  
Cut And Shoot, TX 77306-5371

Re: J&B Auto Supply, Inc.

Andrea S. Hartley  
One S.E. 3rd Ave., 28th Floor  
Miami, Florida 33131-1714

Re: Jeff Falkanger & Associates

Akerman Senterfitt  
One S.E. 3rd Ave., 28th Floor  
Miami, Florida 33131-1714

Re: Jeff Falkanger & Associates

Attn: President/Chief Executive Officer  
945 Main St.  
Wilmington, MA 01887

Re: Jimmy's Garage

Attn: President/Chief Executive Officer  
306 Hockaday  
Garland, TX 75043

Re: Joe Jeter Sales

Michael St. Patrick Baxter, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue NW  
Washington, DC 20004-2401

Re: John Ray and Sons, Inc.

Jeffrey P. Wasserman, Esq.,  
Ciconte, Roseman & Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: Kent Demolition Tools

Attn: President/Chief Executive Officer  
799 Roosevelt Road  
Building 3, Suite 10  
Glen Ellyn, IL 60137

Re: Keson Industries, Inc.

Attn: President/Chief Executive Officer  
810 Commerce Street  
Aurora, IL 60504

Re: Keson Industries, Inc.

Attn: Roger Hammond  
101 East Palm Aven  
Tampa, FL 33605

Re: Kforce.com

Attn: President/Chief Executive Officer  
8905 E. Garvey  
Rosemead, CA 91770

Re: L&P Financial Services

Mr. Michael Lane  
Laclede Steel Company  
440 N. 4th Street, Suite 300  
St. Louis, MO 63102

Re: Laclede Chain Mfg. Co.

Attn: James Angelone  
6233 NW 82 Drive  
Parkland, FL 33067

Re: Land & Sea Petroleum, Inc.

Attn: President/Chief Executive Officer  
6710 NW 15th Way  
Fort Lauderdale, FL

Re: Land & Sea Petroleum, Inc.

Attn: President/Chief Executive Officer  
5980 Outfall Cir  
Sacramento, CA 95828

Re: Lionudakis Wood & Green Waste, Inc.

Attn: President/Chief Executive Officer  
25071 E. Jones Rd.  
Escalon, CA 95320

Re: Lionudakis Wood & Green Waste, Inc.

Craig R. Denum, Esq.  
Storey & Denum, P.C.  
11757 Katy Freeway, Suite 1010  
Houston, Texas 77079-1732

Re: Little Beaver, Inc.

Brian A. Lawton, Esq.  
Metz Lewis LLC  
11 Stanwix Street, 18th Floor  
Pittsburgh, PA 15222

Re: Lockhart Tire

Jessica E. Price, Esq.  
Brouse McDowell  
1001 Lakeside Ave., Suite 1600  
Cleveland, Ohio 44114

Re: M.P. Brine Inc.

Corporation Service Company  
4845 Jimmy Carter Blvd.  
Norcross, GA 30093

Re: Maxim Group

Attn: President/Chief Executive Officer  
2593 Kennesaw Due West Rd., NW  
Kennesaw, GA

Re: Maxim Group

Maxout Sourcing Systems  
Attn: President/Chief Executive Officer  
P.O. Box 870871  
Kansas City, MO 64187

Re: Maxout Sourcing Services

Suzanne Hill, Esq.  
Potter Anderson & Corroon LLP  
1313 N. Market St.  
P.O. Box 951  
Wilmington, DE 19899-0951

Re: Miller Bros. Giant Tire Service

Attn: Carl G. James, Esq.  
8000 Hub Parkway  
Cleveland, Ohio 44125

Re: Carl G. James, Esq.

Attn: President/Chief Executive Officer  
1347 E Sample Rd  
Pompano Beach, FL 33064

Re: Mobile Products Inc.

Attn: President/Chief Executive Officer  
201 W Oklahoma Ave  
Fairview, OK 73737

Re: Mobile Products, Inc.

Attn: Carl N. Kunz, III  
222 Delaware Ave., 10th Floor  
PO Box 2306  
Wilmington, DE 19899

Re: Mobile Storage Group Inc.

Earl G. Covington  
5225 Katy Freeway, Suite 206  
Houston, TX 77007

Re: Morgan Auto Supply Co.

Attn: President/Chief Executive Officer  
1219 South Street  
Pasadena, TX 77503

Re: Morgan Auto Supply Co.

Attn: President/Chief Executive Officer  
500 Stanton Christiana Rd.  
Newark, DE 19713

Re: Morgan Guaranty Trust Co.

Attn: President/Chief Executive Officer  
& Stanley Jewell  
1400 N. 25th St.  
Melrose Park, IL 60160

Richard Macias, Esq.  
Creim, Macias & Koenig LLP  
633 West 5th Street, 51st Floor  
Los Angeles, CA 90071

Re: Morgan Marshall Industries, Inc.

Re: Multiquip Inc.

Jane C. Fennelly, Esq.  
Creim, Macias & Koenig LLP  
633 West 5th Street, 51st Floor  
Los Angeles, CA 90071

Attn: President/Chief Executive Officer  
720 Grange St.  
Philadelphia, PA 19120

Re: Multiquip Inc.

Re: Mutual Industries

Bradley S. Shraiberg, Esq.  
Arnstein & Lehr LLP  
2424 N. Federal Highway, Suite 462  
Boca Raton, FL 33431

Attn: President Chief Executive Officer and J.R.  
Nabors, 617 25th St. South  
Birmingham, AL 35233

Re: Naab Consulting Corp.

Re: Nabors Radiator & Electric

NACM of Colorado  
Attn: Dennis Bedingfield, Registered Agent  
777 S. Wadsworth, Suites 2-100  
Lakewood, CO 80226

Attn: President/Chief Executive Officer  
NACM Southwest  
1915 Westridge Dr.  
Irving, TX 75038

Re: NACM

Re: NACM

Kim Robinson, Esq.  
Barack Ferrazzano Kirschbaum et al.  
333 West Wacker Drive, Suite 2700  
Chicago, Illinois 60606

Attn: President/Chief Executive Officer  
1545 Columbia Ave  
Franklin, TN 37064

Re: NAPA Auto Parts

Re: NAPA Auto Parts of Franklin

Stephen W. Spence  
1200 North Broom Street  
Wilmington DE 19806

Re: Nashville Tractor & Equip. Inc.

Brian A. Burden, Esq.  
Post Office Box 767  
Tampa, Florida 33601-0767

Re: Neff Rental, Inc.

Gary Hickman  
1800 W. Katella Ave., Ste. 101  
Orange, California 92867

Re: Nickey Petroleum Co., Inc.

William D. Sullivan, Esq.  
300 Delaware Avenue, Suite 1700  
P.O. Box 1630  
Wilmington, DE 19899

Re: Nortrax Equipment Co. South LA

Charles J. Brown, III, Esq.  
300 Delaware Avenue, Suite 1700  
P.O. Box 1630  
Wilmington, DE 19899

Re: Nortrax Equipment Co. South LA

William D. Sullivan, Esq.  
300 Delaware Avenue, Suite 1700  
P.O. Box 1630  
Wilmington, DE 19899

Re: Nortrax NE, LLC

Charles J. Brown, III, Esq.  
300 Delaware Avenue, Suite 1700  
P.O. Box 1630  
Wilmington, DE 19899

Re: Nortrax NE, LLC

Rory M. Smith, Esq.  
Sentry Insurance Claims  
4400 E. 53rd St.  
P.O. Box 8022  
Davenport, IA. 52808

Re: Nortrax SE, LLC

William D. Sullivan, Esq.  
The Nemours Building, Suite 1110  
1007 N. Orange St.  
Wilmington, DE 19899

Re: Nortrax SE, LLC

Michael K. Callahan, Esq.  
800 Boylston Street, 17th Floor  
Boston, Massachusetts 02199

Re: Nstar Electric & Gas Corp.

Amy Elizabeth Evans, Esq.  
Cross & Simon LLC  
913 N. Market Street, Suite 1001  
PO Box 1380  
Wilmington, DE 19899

Re: Office Management Systems, Inc.

Mr. Morgan, President  
2023 Sunnydale Blvd.  
Clearwater, FL 33765

Re: Morgan Tire & Auto, Inc. d/b/a  
Olson Tire Total Car Care

Mr. Morgan, President  
2021 Sunnydale Blvd.  
Clearwater, FL 33765

Re: Morgan Tire & Auto, Inc. d/b/a  
Olson Tire Total Car Care

Richard Turner, President  
3700 Fiscal Court  
River Beach, FL 33404-1723

Re: Original Equip. Replacement Parts

Richard Turner, Registered Agent  
4624 Holly Drive  
Palm Beach Gardens, FL 33410

Re: Original Equip. Replacement Parts

Alan L. Chochran, President  
P.O. Box 590728  
Orlando, FL 32859-0728

Re: Orlando Industrial Contractors

Larry Reid, President  
13075 Newburgh Road  
Livonia, MI 48150-5009

Re: OTR Tire & Supply Co.

Butch Crum  
182 Crum Drive  
Reynoldsburg, OH 43068

Re: Overland Machinery Co.

Michael R. Lastowski, Esq.  
Duane Morris LLP  
1100 North Market St., Suite 1200  
Wilmington, DE 19801-1246

Re: Pacific Century Leasing

Virginia A. Zrake, Esq.  
WHITNEY & BOGRIS, LLP  
34382 Carpenters Way  
P.O. Box 247  
Lewes, DE 19958

Re: Palmer Distributing & Sales

Michael Bouillet, Esq.  
WHITNEY & BOGRIS, LLP  
34382 Carpenters Way  
P.O. Box 247  
Lewes, DE 19958

Re: Palmer Distributing & Sales

Genevieve Silveroli, Esq.  
Electrolux  
18013 Cleveland Parkway, Suite 100  
P.O. Box 35920  
Cleveland, Ohio 44135-0920

Re: Partner Industrial Products

Scott N. Opincar, Esq.  
McDonald Hopkins Co., LPA  
2100 Bank One Center  
600 Superior Avenue, N.E.  
Cleveland, Ohio 44114-2653

Re: Parts Associates

Jeffrey Philip Wasserman, Esq.  
Ciconte, Roseman & Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: Peterson Tire Inc.

Bifferato, Gentilotti & Biden  
Attn: Catherine Zwolak Kilian, Esq.  
1308 Delaware Avenue  
P.O. Box 2165  
Wilmington, DE 19899-2165

Re: Pratt & Whitney Canada, Inc.

Joanne M. Wilson, Esq.  
Law Offices of Joanne M. Wilson, P.C.  
2393 Surf Drive  
Bellmore, New York 11710

Re: Parkway Truck Sales, Inc.

G. Christopher Meyer, Esq.  
Squire, Sanders & Dempsey L.L.P.  
4900 Key Tower  
127 Public Square  
Cleveland, OH 44114-1304

Re: Partner Industrial Products

Wayne Gotcher, President  
7440 North Oracle Road #7  
Tucson, AZ 85704

Re: Penick, Parr & Associates

Jeffrey P. Wasserman, Esq.  
Ciconte, Roseman & Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: Pipeline Supply & Service

Stephanie J. Ward, Esq.  
Brown Mccarroll, L.L.P.  
2001 Ross Avenue, Suite 2000  
Dallas, Texas 75201

Re: Pro Chem Cleaning

Randy Mathews, President  
1200 N. Walton Walker Boulevard  
Dallas, TX 75211-1052

Re: Progressive Tractor Corp.

Attn: Gary W. Stansberry, Registered Agent  
2718 Sea Harbor  
Dallas, TX 75212

Re: Progressive Tractor Corp.

Attn: John D. Cartmill, Registered Agent (or CEO)  
8374 Allison Avenue  
La Mesa, CA 91941

Re: Promotion Solution, Inc.

Jennifer L. Scoliard, Esq.  
Klehr, Harrison, Harvey, Branzburg & Ellers, LLP  
919 Market Street, Suite 1000  
Wilmington, DE 19801-3062

Re: Quick Corner, "Citgo"

Gary M. Reeder, President  
Bill Kluge, Chief Financial Officer  
Linda F. Reeder, Treasurer  
Jim Moore, Vice-President  
5450 Wilbarger Street  
Fort Worth, TX 76119-4238

Re: Reeder Distributors, Inc.

Gary Reeder, President  
821 E. Loop 820  
Fort Worth, TX 76120-1311

Re: Reeder Distributors Inc.

Gary M. Reeder, President  
Linda Reeder, Secretary/Treasurer  
4603 Meandering Way  
Colleyville, TX 76034

Re: Reeder Distributors Inc.

Stephen M. Miller, Esq.  
Morris, James, Hitchens & Williams  
222 Delaware Ave., 10th Fl.  
Wilmington, DE 19899-2306

Re: Relizon

Eric H. Lindenman, Esq.  
Harris Beach LLP  
805 Third Avenue  
New York, New York 10022

Re: Rentlink Inc.

Attn: Ron Holland, President  
370 Smith Street  
North Kingstown, RI 02852-8508

Re: Rhode Island Tire Co. Inc.



Attn: Ronald Lawton Holland, President  
26 Camp Avenue  
North Kingstown, RI 02852

Re: Rhode Island Tire Co. Inc.

Christopher Loizides, Esq.  
Loizides & Associates  
Legal Arts Building  
1225 King Street, Suite 800  
Wilmington, Delaware 19801

Re: Rish Equipment Company

John Nichols, President  
Joe Benavides, VP Finance  
Yancy M. Robertson, Registered Agent  
964 Irving Blvd.  
Dallas, TX 75247-6294

Re: Robertson Fleet Services

Ron L. Daetweiler, President  
P.O. Box 6560  
Anaheim, CA 92816-0560

Re: S&D Tire, Inc.

Attn: President/CEO  
Kenneth R. Moore  
15600 Bourline Road  
Fort Worth, TX 76111

Re: Saber Fleet Services, Inc. d/b/a Weiland  
Tire Service

Attn: Eric Speck, Vice President  
4200 American Blvd.  
Fort Worth, TX 76155-2102

Re: Saber Fleet Services, Inc. d/b/a Weiland  
Tire Service

Attn: Robert Weiland, Director  
4708 Osage Ct.  
Arlington, TX 76018

Re: Saber Fleet Services, Inc. d/b/a  
Weiland Tire Service

Attn: Kenneth R. Moore, Registered Agent  
P.O. Box 161217  
Ft. Worth, TX 76161-1217

Re: Saber Fleet Services, Inc. d/b/a  
Weiland Tire Service

Attn: Kenneth Moore, President  
1328 Oakwood Court  
Flower Mound, TX 75028

Re: Saber Fleet Services, Inc. d/b/a  
Weiland Tire Service

David L. Finger, Esq.  
Finger & Slanina, LLC  
One Commerce Center  
1201 Orange Street, Suite 725  
Wilmington, DE 19801-1155

Re: Sanford Auto & Truck Parts

Karen C. Bifferato, Esq.  
Connolly, Bove, Lodge & Hutz  
1007 North Orange Street  
PO Box 2207  
Wilmington, DE 19899

Re: Scotty's Oil Company, Inc.

Attention: President/Chief Executive Officer  
700 W. McNeil Road  
Sanford, NC 27330

Re: Seay Oil Company

Ted B. Bowen, Esq.  
1405 W. 16th St.  
Yuma, AZ 85364

Re: Sellers Petroleum Products, Inc.

Barbara J. Hartung, Esq.  
Lathrop & Gage L.C.  
10 S. Broadway, Suite 1300  
St. Louis, MO 63102

Re: Services & Materials  
(Flex-O-Lite, Inc.)

Joseph M. Scaminace, President & CEO  
101 Prospect Avenue, NW  
Cleveland, OH 44115-1075

Re: The Sherwin-Williams Co.

Luke Baer, Secretary  
Robert Bosch Tool Corporation  
formerly S-B Power Tool Corporation  
2800 S. 25th Avenue  
Broadview, IL 60155-4532

Re: Skil Bosch, SB Power Tool Co.

Patricia P. McGonigle  
222 Delaware Ave., Suite 1500  
Wilmington, DE 19899

Re: SoCo Group

Christopher Ryles  
509 Highway 85 North  
Niceville, FL 32578

Re: Son Coast Hauling, L.L.C.

Luke Baer, Secretary  
Robert Bosch Tool Corporation  
2800 S 25th Avenue  
Broadview, IL 60155-4532

Re: Southeastern Crane

J. Larry Jones, President  
Cougar Oil, Inc.  
1411 Water Avenue  
Post Office Box 1800  
Selma, AL 36702-1800

Re: Southern Energy Company

Eric T. Ray, Esq.  
Balch & Bingham LLP  
P.O. Box 306 (35201)  
1901 Sixth Avenue North, Suite 2600  
Birmingham, AL 35203

Re: Southern Linc

Scott Smith, Sr. Counsel  
CNH America, LLC,  
P.O. Box 1895, M.S. 237  
New Holland, PA 17557-0903

Re: Speedway New Holland

Michael F. Duggan, Esq.  
Phillips, Goldman & Spence, P.A.  
1200 N Broom Street  
Wilmington, DE 19806-4204

Re: Star Tire Company, Inc.

James H. Joseph, Esq.  
McGuire Woods LLP  
Dominion Tower  
625 Liberty Avenue, 23rd Floor  
Pittsburgh, PA 15222

Re: Stihl Inc. National Accounts

Lynne Woodworth, President  
8662 Main Street  
Honeoye, NY 14471-9634

Re: Stone Construction Equip. Inc.

Paul Rimas, Esq.  
Trimble Navigation Limited  
Legal Department  
749 N. Mary Avenue  
Sunnyvale, CA 94085

Re: Spectra Precision d/b/a Trimble

Jeff Brown, CEO  
1188 Bell Road - Suite 206  
Chagrin Falls, OH 44022-6101

Re: Staffing Master.Com

Mark S. Swan, Esq.  
Swan Law Firm, PLC  
2240 South 5370 West  
West Valley City, Utah 84120

Re: Sterling Truck of Utah

Robert J. Fien, Chairman and CEO  
8662 Main Street  
Honeoye, NY 14471-9634

Re: Stone Construction Equip. Inc.

Jeffrey Philip Wasserman, Esq.  
Ciconte, Roseman & Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: Sullivan Palatek Inc

Attn: Kathy E. Lehne, Registered Agent  
6922 Cavalcade St.  
Houston, TX 77028

Re: Sun Coast Resources Inc

Jeffrey P. Wasserman, Esq.  
Ciconte, Roseman & Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: Tacony Corporation

Ronald M. Defeo, President  
500 Post Road E, Suite 320  
Westport, CT 06880

Re: Terex Aerials, Inc. d/b/a Terex Cranes

Eric Cohen, Secretary  
500 Post Road E, Suite 320  
Westport, CT 06880

Re: Terex Aerials, Inc. d/b/a Terex Cranes

Brian Henry, Treasurer  
500 Post Road E, Suite 320  
Westport, CT 06880

Re: Terex Aerials, Inc. d/b/a Terex Cranes

Donald M. Cook, President  
Robert Glasscock, Treasurer  
4146 IH 10E  
San Antonio, TX 78219-4014

Re: Texana Machinery Corp.

Mike Gudknecht, Chief Financial Officer  
Robert Glasscock, Treasurer  
4146 IH 10E  
San Antonio, TX 78219-4014

Re: Texana Machinery Corp.

Kevin J. Mangan, Esq.  
Monzack and Monaco, P.A.  
1201 N. Orange St., Suite 400  
Wilmington, DE 19801

Re: Tex-Con Oil Company  
(Hays City Corporation d/b/a)

Karen C. Bifferato, Esq.  
Connolly Bove Lodge & Hutz LLP  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, DE 19899

Re: Tioga, Inc.

Marc J. Phillips, Esq.  
Connolly Bove Lodge & Hutz LLP  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, DE 19899

Re: Tioga, Inc.

Amy J. Swedberg, Esq.  
Maslon Edelman Borman & Brand, LLP  
3300 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402

Re: Tioga, Inc.

Roy Brumfeld, President & CEO  
310 Inglesby Parkway  
P.O. Box 218  
Duncan, SC 29334

Re: Tire Centers, LLC

Patrick M. Leathern, Esq.  
Morris, James, Hitchens & Williams LLP  
222 Delaware Ave., 10th Floor  
P. O. Box 2306  
Wilmington, DE 19899-2306

Re: TMP Worldwide n/k/a Monster Worldwide

Glenn A. Manochi, Esq.  
Lightman, Manochi & Christensen  
1520 Locust Street, 12th Floor  
Philadelphia, PA 19102

Re: Truck Lease Corp. d/b/a AMI Leasing

Richard W. Riley, Esq.  
Duane Morris LLP  
1100 North Market St., Suite 1200  
Wilmington, DE 19801

Re: Tsurumi America, Inc.

Martin J. Weis, Esq.  
Dilworth Paxson LLP  
3200 The Mellon Bank Center  
1735 Market Street  
Philadelphia, PA 19103

Re: TIP, Dept. 0501

Carl N. Kunz, III, Esq.  
Morris, James, Hitchens & Williams LLP  
222 Delaware Ave., 10th Floor  
P. O. Box 2306  
Wilmington, DE 19899-2306

Re: TMP Worldwide n/k/a Monster Worldwide

Arthur Handy, President  
7820 Chubb Road  
Northville, MI 48167-9604

Re: Triton Transport, Inc.

Darwin E. Niemtschk  
3322 Jane Lane  
Dallas, TX 75247

Re: Truck PM Corporation

Bayard J. Snyder, Esq.  
Snyder & Associates  
300 Delaware Avenue, Suite 1014  
P.O. Box 90  
Wilmington, DE 19899

Re: Tullo Truck Stop

Brian H. Mukherjee, Esq.  
Goodwin Procter LLP  
Exchange Place  
Boston, MA 02109

Re: Unifirst Corp.

Jack R. Pigman, Esq.  
Porter, Wright, Morris & Arthur LLP  
41 South High Street  
Columbus, Ohio 43215

Re: Uniontools, Inc.

Michael R. Casey, Esq.  
Greenberg Traurig, P.A.  
401 East Las Olas Blvd., Suite 2000  
Fort Lauderdale, Florida 33301

Re: US Imaging Solutions

Jeffrey P. Wasserman, Esq.  
Ciconte, Roseman & Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: US Markets, Inc.

Larry Chavez, Vice President and CFO  
10182-C Croydon Way  
Sacramento, CA 95827

Re: Valley Rubber & Gasket

Arthur Metz, Controller  
15 McKean Avenue  
Charleroi, PA 15022

Re: Valley Tire Co., Inc.

Reginald W. Jackson, Esq.  
Vorys, Sater, Seymour & Pease LLP  
52 E. Gay Street  
Columbus, OH 43215

Re: Valvoline Company, The

Ronald D. Morelli, Esq.  
Pietragallo, Bosick & Gordo  
One Oxford Centre, 38th Floor  
Pittsburgh, PA 15219

Re: Vector Security, Inc.

Brian A. Sullivan, Esq. and Amy D. Brown, Esq.  
300 Delaware Ave., 10th Floor  
Wilmington, DE 19801

Re: Vermeer Equipment of Texas

Ricardo Palacio, Esq.  
Ashby & Geddes, P.A.  
222 Delaware Avenue, 17th Floor  
P.O. Box 1150  
Wilmington, Delaware 19899

Re: Vermeer Manufacturing Co.

Polly J. Feigenbaum, Esq.  
Segel, Goldman, Mazzotta & Siegel, P.C.  
9 Washington Square  
Albany, NY 12205

Re: Vermeer Northeast

Bruce W. McCullough, Esq.  
McCullough & McKenty, P.A.  
824 Market Street, Suite 412  
P.O. Box 397  
Wilmington, DE 19899-0397

Re: Vermeer Sales & Service of So. Ohio, Inc.

Joseph Grey, Esq.  
Stevens & Lee, P.C.  
300 Delaware Avenue, Suite 800  
Wilmington, DE 19801

Re: Vermeer of Tennessee, Inc.

Jon L. Scott, Chief Executive Officer  
5801 E. 76th Avenue  
Commerce City, CO 80022-1061

Re: Vermeer Sales & Service of Colorado, Inc.

Lavern K. Scott, Registered Agent  
5801 E. 76th Avenue  
Commerce City, CO 80022-1061

Re: Vermeer Sales & Service of Colorado, Inc.

Attn: Carl Van Roekel, Chairman of the Board  
4455 Director Dr.  
San Antonio, TX 78219-3205

Re: Vermeer Sales of Texas

Carl Van Roekel, President/Treasurer  
7675 Airport Blvd.  
Houston, TX 77061

Re: Vermeer Sales of Texas

Ruth Van Roekel, Vice President  
7675 Airport Blvd.  
Houston, TX 77061

Re: Vermeer Sales of Texas

Terry Vickers, Chief Executive Officer  
104 Greystone Dr.  
Carrollton, GA 30116-5104

Re: Vickers & Associates, Inc.

Debbie Vickers, Vice-President  
104 Greystone Dr.  
Carrollton, GA 30116-5104

Re: Vickers & Associates, Inc.

James Vickers, President  
104 Greystone Dr.  
Carrollton, GA 30116-5104

Victor Almaguer  
1712 East Riverside  
Austin, TX 78741

Re: Vickers & Associates, Inc.

Re: Vic's Tire Service

Jeffrey P. Wasserman, Esq.  
Ciconte, Roseman & Wasserman  
1300 King Street  
Wilmington, DE 19801

Gerardo I. Solarte, President  
2201 S.W. 14th Street  
Fort Lauderdale, FL 33312

Re: Viking Oil

Re: The Voltech Company

Mr. Wayne Miller  
P.O. Box 491  
Pine Valley, CA

Randy Wendel  
119 Sleepy Hollow Drive  
Lake Jackson, TX 77566

Re: Wayne Miller's Mobile Tire, Inc.

Re: Wendel, Randy

Attn: Richard Dufault, President  
5 Cold Spring Dr.  
Grafton, MA 01519

Attn: Doris Dufault, Treasurer  
5 Cold Spring Dr.  
Grafton, MA 01519

Re: Worcester Truck Body Inc

Re: Worcester Truck Body Inc

William Sharp, President  
Richard Sharp, VP Finance  
323 SW Cutoff  
Worcester, MA 01604-2713

Attn: Bernard E. Brooks  
4800 Sugar Grove Blvd., Suite 610  
Stafford, TX 77477

Re: Worcester Truck Body Inc

Re: World Wide Welding & Press, Inc.